

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Action Case No.: 1:13-cv-00360-RJJ
v.	)	HON. ROBERT J. JONKER
	)	MAG. JUDGE: RAY KENT
JESSE RALEIGH,	)	
	)	
Defendant.	)	
_____	)	

**NICOLETTI & ASSOCIATES, PLLC**  
PAUL J. NICOLETTI [P-44419]  
Attorney for Plaintiff  
33717 Woodward Avenue, Ste. #433  
Birmingham, MI 48009  
Landline: (248) 203-7800  
eFax: (248) 928-7051  
[pauljnicoletti@gmail.com](mailto:pauljnicoletti@gmail.com)  
<http://www.nicolettilawplc.com>

**BLANCO WILCZYNSKI, PLLC**  
Derek S. Wilczynski [P-57079]  
Attorneys for Defendant  
2095 East Big Beaver, Suite 400  
Troy, MI 48083  
(248) 519-9000  
Fax: (248) 519-9001  
[dsw@blancopc.com](mailto:dsw@blancopc.com)

**LINCOLN G. HERWEYER, P.C.**  
LINCOLN G. HERWEYER [P-55742]  
Co-Counsel for Defendant  
35054 Twenty-Three Mile Road, Suite 115  
New Baltimore, MI 48047  
(586) 716-1562  
Fax: (586) 716-1867  
[lgherweyer@netscape.net](mailto:lgherweyer@netscape.net)

**DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT AND FOR ATTORNEY FEES**

\* \* \* **ORAL ARGUMENT REQUESTED** \* \* \*

**COMES NOW** Defendant, Jesse Raleigh, and files this Motion for Summary Judgment and Brief in Support to dismiss this case as a matter of law because there is no evidence that Defendant violated the Copyright Act. In fact, all of the evidence in the record indicates that Defendant did not violate the copyright act. Further, Defendant requests that this Court enter an Order to set a date and time for a hearing to award Defendant attorneys' fees for having to spend almost three years defending an action for which there has never been any evidence to support Plaintiff's claims.

**WHEREFORE**, Defendant respectfully requests that, pursuant to Fed. R. Civ. Pro. 56(c), this Court enter an Order dismissing this case as a matter of law. Defendant further requests that this Court enter an Order, pursuant to 17 U.S.C. §101, *et seq.*, setting this matter for a hearing to determine an award of Defendant's attorney fees under Fed. R. Civ. Pro. 54(d)(2)(B)(i)

Respectfully submitted,

**BLANCO WILCZYNSKI, P.L.L.C.**

/s/ Derek S. Wilczynski

DEREK S. WILCZYNSKI [P-57079]

Attorneys for Defendant

LINCOLN G. HERWEYER [P-55742]

Co-Counsel for Defendant

Dated: February 13, 2016